

REMARKS

In the Office Action, claims 1-13 and 15-22 were rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,764,012 to Connolly et al. (hereinafter "Connolly") in view of U.S. Patent No. 6,636,749 to Holmes et al. (hereinafter "Holmes") and claim 14 was rejected under 35 U.S.C. § 103 as obvious in view of Connolly and Holmes further in view of U.S. Patent No. 6,654,378 to Mahany et al. (hereinafter "Mahany"). Applicants respectfully traverse the rejections of record.

Rejections under 35 U.S.C. § 103

Independent claim 1 is directed to a wireless data communications device, arranged to be installed in a light fixture having a lamp socket for receiving a lamp, comprising,
inter alia:

a connector on said housing arranged to engage said lamp socket on said light fixture;
a socket on said housing arranged to receive a connector of a lamp and connected to receive power from said connector on said housing; and
a power supply in said housing arranged to receive power from said connector on said housing and provide power to said wireless data communications radio.

Claims 12 and 22 also contain limitations relating to engagement with a lamp socket on the light fixture.

Connolly is directed to a signaling arrangement for use in a wireless LAN managed by a system manager which includes a reader for electro-optically reading bar code symbols. (Connolly, Abstract).

The Examiner alleges that Connolly discloses a wireless data communications device "arranged to be installed in a light fixture having a lamp socket for receiving a lamp (col. 9, lines 2-56)... ." (Office Action, p. 2). However, the cited portion of Connolly does not disclose or

even suggest a communications device “arranged to be installed in a light fixture having a lamp socket for receiving a lamp.” In fact, the cited portion of Connolly describes optical scanner modules, and includes no mention whatsoever of a “lamp socket for receiving a lamp.” For at least this reason, the cited references fail to disclose or suggest all the limitations of claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 be removed. Additionally, because all of the remaining claims in the application include similar limitations to this limitation, either expressly or by way of dependency, Applicants respectfully submit that the remaining claims also be allowed, for at least this reason.

Additionally, as conceded by the Examiner in the Office Action, Connelly does not disclose the features of “a connector on a housing arranged to engage said lamp socket on said light fixture; a socket on said housing arranged to receive a connector of said lamp and connected to receive power from said connector on said housing; and a power supply in said housing arranged to receive power from said connector on said housing and provide power to said wireless data communications radio.” The Examiner thus looks to Holmes as allegedly disclosing this feature. Holmes does not.

Holmes is directed to an apparatus for providing power and wireless protocol capability to a wireless device, such as a wireless phone. (*See* Holmes, Abstract).

The Examiner refers to Figures 1-4 and col. 4, lines 1-61 of Holmes as allegedly disclosing or suggesting the claimed features of “a connector on a housing arranged to engage said lamp socket on said light fixture; a socket on said housing arranged to receive a connector of said lamp and connected to receive power from said connector on said housing; and a power supply in said housing arranged to receive power from said connector on said housing and provide power to said wireless data communications radio.” However, the cited portions of

Holmes, as conceded by the Examiner, describe an automobile cigarette lighter adapter which is to be plugged into the cigarette lighter of an automobile to power a cellular telephone (e.g., Holmes, Fig. 1), as is widely available in any electronics store, and a "hands-free car kit." A hands free car kit and a cigarette lighter adapter are clearly very different from the claimed wireless data communications device which includes a "connector on a housing arranged to engage said lamp socket on said light fixture."

For at least these reasons, Applicants respectfully submit that claim 1 is in condition for allowance. Independent claims 12 and 22 recite similar limitations to claim 1 in these respects, and are likewise patentable for similar reasons. The remaining dependent claims all depend from one of claims 1, 12 and 22, and Applicants respectfully submit that these claims are therefore also in condition for allowance.

Additionally, the combination of Connolly and Holmes under 35 U.S.C. § 103 was apparently improperly made only with the benefit of hindsight in view of the present invention.

As the Court of Appeals for the Federal Circuit has held:

"It has not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself."

In re Oetiker, 24, U.S.P.Q.2d 1443, 1447, 977 F.2d 1443, 1447 (Fed. Cir. 1992).

There is no "reason, suggestion, or motivation" in the prior art such that one of ordinary skill in the art would make the combinations which form the basis of the rejections under 35 U.S.C. § 103(a) in the Office Action. This combination of elements between non-analogous

sources, i.e., optical bar code scanner arrangements for use in a wireless LAN combined with apparatus for providing power and wireless protocol capability to a wireless device such as a cellular phone - is apparently improperly made only with the benefit of hindsight in view of the present application. In much the same way that one seeking to solve a problem of "fastening a hose clamp" would not "reasonably be expected or motivated to look to fasteners for garments" for a solution, it is equally unlikely that one seeking to solve a problem in providing distributed interactive audio and video content would reasonably look to computer database allocation systems.


Indeed, even the P.T.O. has acknowledged that Connolly and Holmes are in different fields of endeavor, as evidenced by their different International Classifications and U.S. Class/Sub-Classifications. Connolly falls within U.S. Classification 235 ("Registers" which includes "attachments to machines where the purpose is to ascertain or count the number of movements thereof, such as engine-counters, counters for printing-presses, etc. They also include devices comprising indicating hands or pointers (or equivalents thereof), whether moved regularly or irregularly, forward or backward, in cooperation with a scale or index to disclose the numerical extent of movement", in the subclasses relating to bar code scanning) while Holmes is within U.S. Classification 455 ("Telecommunications", specifically in the subclass of hands-free devices). Accordingly, without the benefit of hindsight, one of ordinary skill in the art would not look to combine this non-analogous art.

For at least these additional reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration and allowance of claims 1-22 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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